

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

GARRETT BROCKMAN,

Plaintiff,

v.

FCA US LLC,

Defendant.

No. 2:23-CV-0841-KJM-DMC

ORDER

Plaintiff, who is proceeding with retained counsel, brings this civil action. Upon referral by the District Judge, defense counsel appeared before the undersigned on August 9, 2023, at 10:00 a.m., for an initial scheduling conference. There was no appearance on behalf of Plaintiff. Upon discussion with counsel, and good cause appearing therefor, the Court will, by this order, set a schedule pursuant to Federal Rule of Civil Procedure 16(b).

Accordingly, IT IS HEREBY ORDERED as follows:

1. Jurisdiction and venue are not contested.
2. No further joinder of parties or amendments to the pleadings is permitted without stipulation or leave of Court for good cause shown.

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1           3.       The parties are advised that they may, if all consent, have the matter re-  
2 assigned for all purposes, including entry of final judgment, to the undersigned Magistrate Judge.  
3 Given the extraordinary back-log of civil cases in this district, coupled with the shortage of  
4 District Judges and pandemic-related delays in criminal cases, it is not anticipated that this matter  
5 could be set for trial before the assigned District Judge at any time within the next two years. A  
6 trial before the District Judge within the next three years is also unlikely. The parties will be able  
7 to obtain an earlier trial date by consenting to Magistrate Judge jurisdiction. Any jury trial by  
8 consent to the undersigned would be conducted in Sacramento, California. The parties are  
9 encouraged to meet and confer regarding the issue of consent and requested to notify the Court of  
10 the respective elections at their earliest opportunity.

11           4.       The Court sets the following pre-trial schedule for this litigation:

12           Initial Disclosures: The parties are directed to exchange initial disclosures as  
13 required by Federal Rule of Civil Procedure 26(a) on or before **August 31, 2023**.

14           Non-Expert Discovery: All non-expert discovery shall be completed and all  
15 motions pertaining to non-expert discovery shall be noticed to be heard by **September 16, 2024**.

16           Expert Witness Designations: The parties shall exchange initial lists of expert  
17 witnesses no later than **October 7, 2024**. The parties shall exchange lists of rebuttal expert  
18 witnesses no later than **October 21, 2024**. Such disclosures must be made pursuant to Federal  
19 Rule of Civil Procedure 26(a)(2)(A) and (B). The parties are reminded of their obligation to  
20 supplement these disclosures when required under Federal Rule of Civil Procedure 26(e).

21           Expert Discovery: All expert discovery shall be completed and all motions  
22 pertaining to expert discovery shall be noticed to be heard by **January 16, 2025**.

23           Discovery Motions: Motions regarding discovery shall be noticed before the  
24 assigned Magistrate Judge, as provided by Eastern District of California Local Rule 302(c).

25           Duty to Supplement: The parties are reminded of their continuing obligation to  
26 supplement their initial disclosures, discovery responses, and expert witness designations when  
27 required under Federal Rule of Civil Procedure 26(e).

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1                    Dispositive Motions: All dispositive motions shall be filed by **April 15, 2025**, and  
2 noticed for a hearing on the earliest available law and motion date on the District Judge's  
3 calendar in accordance with Eastern District of California Local Rule 230(a).

4                    5.        After consideration of counsel's comments related to settlement, the parties  
5 are directed to notify the Court prior to any final pre-trial conference whether they request a court  
6 settlement conference date or referral to the Voluntary Dispute Resolution Program. The parties  
7 shall file said notification or request for referral jointly, in writing. If the parties are requesting a  
8 court-convened settlement conference, the parties shall also advise whether they waive a conflict  
9 as to the assigned Magistrate Judge for the purposes of a court-convened settlement conference.

10                  6.        The pre-trial conference and trial dates will be set by separate order.

11                  7.        This case schedule will become final without further order of the Court  
12 unless objections are filed within 14 days of the date of this order. The schedule, once final, shall  
13 not be modified except on application to the Court showing good cause. All provisions of the  
14 District Judge's Standing Scheduling Order for Civil Cases, which the Clerk of the Court is  
15 directed to file concurrently with this order, shall apply and are incorporated herein.

16  
17 Dated: August 16, 2023



DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE